

Notice of Allowability

Application No.

09/683,418

Applicant(s)

ZECK ET AL.

Examiner

Art Unit

James A. Thompson

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 28 April 2005 and 08 April 2005.
2. ☒ The allowed claim(s) is/are 1,3-5,7-9,12-14 and 16-18.
3. ☒ The drawings filed on 26 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

2. Applicant's arguments, see page 7, line 20 to page 8, line 2, filed 06 April 2005, with respect to the declaration have been fully considered and are persuasive. The objection to the declaration listed in item 2 of the office action dated 24 January 2005 has been withdrawn.

3. Applicant's arguments, see page 8, lines 3-6, filed 06 April 2005, with respect to the rejections of claims 11 and 12 under 35 USC §112, second paragraph have been fully considered and are persuasive. Further, Examiner notes that the amendments to claims 16 and 17 overcome the rejections under 35 USC §112, second paragraph. The rejections of claims 11, 12, 16 and 17 under 35 USC §112, second paragraph listed in items 3-5 of said office action have been withdrawn.

4. Applicant's arguments, see page 8, line 7 to page 10, line 12, filed 06 April 2005, with respect to the prior art rejections to the claims have been fully considered and are persuasive. The amendments to the claims overcome the previous prior art rejections and distinguish over the prior art currently of record. The rejections of the claims based on the prior art have been withdrawn.

Allowable Subject Matter

5. Claims 1, 3-5, 7-9, 12-14 and 16-18 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art reference previously cited in the final rejection, dated 24 January 2005, are: Tai (US Patent 5,729,632), Crean (US Patent 5,745,249), Wang (US Patent 5,859,955), and Curry (US Patent 5,410,414). Tai, Crean, Wang and Curry fully anticipate the recited claims filed previously on 15 July 2004.

Applicant's present amendments to the claims, after the filing of a Request Continued Examination on 28 April 2005, distinguish over the teachings found in Tai, Crean, Wang and Curry. Particularly, the amendments made to independent claims 1, 8 and 14 distinguish over the previously cited references.

Independent claims 1, 8 and 14 currently recite that the selected Holladay counter determines whether the halftone image data is packed. If the halftone image data is not packed, the halftone image data is passed without change. If the halftone image data is packed, the at least a portion of the halftone image data is selected and replicated.

Independent claim 4 currently recites that one of a plurality of Holladay counters can be selected and, if the stochastic counter is selected, then the digital logic circuit replicates a portion of the produced halftone image data to produce replicated halftone image data. It is therefore inherent that said portion of the produced halftone image data is either packed, and is thus unpacked by replication, or is some form of repetitive image data, such as a watermark, and can

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thus still be considered packed since only one copy of the repetitive image data needs to be stored.

The above limitations in claims 1, 8 and 14 and in claim 4 are not found in the prior art reference previously cited. Further, Examiner has not found a prior art reference that teaches each and every limitation of independent claims 1, 4, 8 and 14, nor has Examiner found a combination of reference which would render each and every limitation of independent claims 1, 4, 8 and 14 obvious to one of ordinary skill in the art. The closest prior art found are the prior art references previously cited, Cooper (US Patent 6,512,597 B1), and Ostromoukhov (US Patent 5,701,366). Cooper teaches packing and unpacking image data under certain conditions. However, these conditions do not relate to any kind of selection of Holladay counter or halftone screen. Ostromoukhov teaches a selection of dither matrices based on the local gradient of the image data in order to reduce banding and contouring artifacts in the reproduced image. Ostromoukhov does not teach anything regarding selection based on whether or not the image data is packed. Any combination of the closest prior art references found would not teach each and every limitation of any of the independent claims.

Therefore, independent claims 1, 4, 8 and 14 are considered allowable over the prior art. Claim 3 is considered allowable over the prior art at least due to the dependence of claim 3 on claim 1. Claims 5 and 7 are considered allowable over the prior art at least due to the dependence of claims 5 and 7 on claim 4. Claims 9, 12 and 13 are considered allowable over the prior art at least due to the dependence of claims 9, 12 and 13 on claim 8. Claims 16, 17 and 18 are considered allowable over the prior

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art at least due to the dependence of claims 16, 17 and 18 on claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

JAT
06 June 2005



THOMAS D
~~THOMAS~~ LEE
PRIMARY EXAMINER